

## United States District Court

for the  
Western District of New York

United States of America

v.  
OSCAR LEO HERNANDEZ SANCHEZ  
a.k.a  
OSCAR LEON HERNANDEZ SANCHEZ

Case No. 25-MJ-5140

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of June 26, 2025, in the County of Erie, in the Western District of New York, the defendant, Oscar Leo HERNANDEZ SANCHEZ, an alien, was found in the United States, after previously being removed or deported from the United States, without having obtained the expressed consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, in violation of Title 8, United States Code, Section 1326(a).

This Criminal Complaint is based on these facts:

Continued on the attached sheet.

Complainant's signature

DANIEL A. WHITTEN  
ENFORCEMENT OFFICER  
U.S. CUSTOMS AND BORDER PROTECTION  
Printed name and title

Judge's signature

HONORABLE MICHAEL J. ROEMER  
UNITED STATES MAGISTRATE JUDGE  
Printed name and title

City and State: Buffalo, New York

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK )  
COUNTRY OF ERIE ) SS:  
CITY OF BUFFALO )

Daniel A. Whitten, being duly sworn deposes and states:

1. I am an Enforcement Officer with United States Customs and Border Protection (“CBP”), within the Department of Homeland Security (“DHS”), and have been so employed for the past 16 years. Prior to that, I was employed by the same Agency, in a similar capacity, for 5 years. In such capacity, my duties include investigating individuals suspected of violating Federal immigration laws and other related Federal statutes and crimes.
2. As part of my current duties, I have become involved in an investigation of suspected violation of Title 8, United States Code, Section 1326(a).
3. I make this affidavit in support of the annexed criminal complaint charging Oscar Leo HERNANDEZ SANCHEZ, a.k.a Oscar Leon HERNANDEZ SANCHEZ, hereinafter referred to as the “Defendant,” an alien, not a citizen or national of the United States, born in 1987, in Mexico, with being found in the United States without the expressed consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, after having been deported or removed from the United States, in violation of Title 8, United States Code, Section 1326(a).

4. The statement contained in this affidavit are based upon my personal observations, my training and experience, my review of database checks and official records, and upon information provided to me by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a Criminal Complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the Defendant did knowingly violate Title 8, United States Code, Section 1326(a).

#### **PROBABLE CAUSE**

5. At approximately 9:20 a.m. on June 26, 2025, at the Peace Bridge Port of Entry in Buffalo, New York, in the Western District of New York, officers of U.S. Customs and Border Protection encountered the Defendant. The Defendant was observed, by CBP Officers Zee and Jozwiak, occupying a tractor trailer in a no parking zone of the entrance to the Duty Free Shop, within the Peace Bridge Plaza, within the United States. The Defendant then attempted to back down the ramp of the Bridge, towards Interstate I-190. Officers Zee and Jozwiak made contact with the Defendant, out of concern that a traffic accident would occur. The defendant was asked for identification and produced a Mexican Passport and a Mexican Consular Identification Document. The Defendant was escorted to secondary to determine his immigration status in the United States.

6. CBP Officer J. Stevenson commenced the secondary inspection and conducted an electronic search of the Defendant's fingerprints in FBI and immigration databases to verify his identity and any immigration history he may have in the United States. The

fingerprint search revealed that the Defendant was an identical biometric match to FBI number 296952XXX and immigration fingerprint identification number 1126912XXX. Records associated to the indexed FBI number and the immigration fingerprint identification number revealed that the Defendant was arrested by U.S. Border Patrol agents in Arizona in December 2011 after having illegally entered the United States. The FBI and immigration fingerprint identification records referenced alien file number A 205 137 XXX.

7. Electronic records associated to the alien file number confirmed that the Defendant was ordered removed from the United States by way of an Expedited Removal and was physically deported to Mexico in December 2011.

8. Your affiant, on July 1, 2025, received, electronically, from the National Records Center copies of deportation documents from alien file number A 205 137 XXX. Included were immigration forms I-860 Order of Expedited Removal, and I-296 Notice to Alien Removed/Deported Verification. Immigration form I-296 contained the Defendant's photograph, right index fingerprint impression and signature verifying his physical deportation to Mexico on December 13, 2011, at the Del Rio, TX Port of Entry. Immigration form I-296 provided a warning to the Defendant that he is prohibited from entering, attempting to enter, or being found in the United States without the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security.

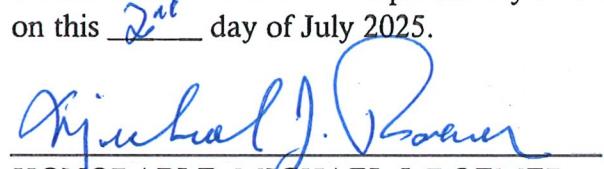
9. A review of electronic immigration benefit records and a review alien file A 205 137 XXX failed to reveal that the Defendant had applied for or received requisite permission from the Attorney General or the Secretary for the Department of Homeland Security to re-enter the United States.

WHEREFORE, I respectfully submit the foregoing facts to establish probable cause to believe that on June 26 2025, Oscar Leo HERNANDEZ SANCHEZ, an alien, was found in the United States after having been previously deported or removed from the United States, without the requisite permission from the Attorney General of the United States or the Secretary for the Department of Homeland Security, in violation of Title 8, United States Code Section 1326(a).



Daniel A. Whitten  
Enforcement Office  
U.S. Customs and Border Protection

Sworn to and subscribed telephonically to me  
on this 2<sup>nd</sup> day of July 2025.



MICHAEL J. ROEMER  
HONORABLE, MICHAEL J. ROEMER  
United States Magistrate Judge